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| PRE-APPEAL BRIEF REQUEST FOR REVIEW | | Docket Number (Optional) 2003P01766WOUS | |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ eFiled Signature _____ Typed or printed name _____ | | Application Number 10/579,940 | Filed 05/19/2006 |
| | | First Named Inventor Adolf Feinauer et al. | |
| | | Art Unit 3781 | Examiner Niki Marina Eloshway |
| <p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>I am the</p> <div style="margin-bottom: 10px;"> <input type="checkbox"/> applicant/inventor. </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> assignee of record of the entire interest. <small>See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</small> </div> <div style="margin-bottom: 10px;"> <input checked="" type="checkbox"/> attorney or agent of record. Registration number 62,246 </div> <div> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____ </div> </div> <div style="width: 45%; text-align: right;"> <p>/Andre Pallapies/</p> <hr/> <p style="text-align: center;">Signature</p> <p>Andre Pallapies</p> <hr/> <p style="text-align: center;">Typed or printed name</p> <p>252-672-7927</p> <hr/> <p style="text-align: center;">Telephone number</p> <p>July 27, 2010</p> <hr/> <p style="text-align: center;">Date</p> </div> </div> | | | |
| NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*. | | | |
| <input type="checkbox"/> *Total of _____ forms are submitted. | | | |

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**STATEMENT OF ARGUMENTS
FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Dear Sir:

Applicants submit this Statement of Arguments in support of its Pre-Appeal Brief Request for Review and Notice of Appeal filed herewith.

In the Final Office Action dated May 14, 2010, claims 10-29 were rejected under 35 U.S.C. 103(a) over EP 1 335 171 A1 to Casoli et al. (“Casoli”) in view of EP 0 437 930 A1 to Cur et al. (“Cur”). Claims 30-33 are objected to as being dependent upon a rejected base claim. The rejection should be withdrawn for at least the following reasons.

Claims 10, 19 and 27 are independent claims.

Claim 10 includes the feature of at least one evacuated insulation body being formed by the body and the door, wherein an inner wall made of a plastic material is mounted in front of the insulation body towards the inner chamber. Because the claimed inner wall is “mounted in front of” the insulation body, it cannot be one of the walls of the insulation body itself.

Initially, Applicants submit that it would not have been obvious to combine the multi compartment panel of Cur with the refrigerator of Casoli because to do so would be contrary to the teachings of Casoli. In paragraph 0004, Casoli states “An aim of the present invention is to provide a domestic refrigerator...that makes it possible to resolve the aforementioned problem in a simple and economic manner.” A main feature of Casoli appears to be the use of holes and/or channels to speed up the evacuation process. A main feature of Cur is to provide separate vacuum compartments to increase the insulation qualities of the panel. If one was to insert the multi compartment panel of Cur into the refrigerator of Casoli, one would need to provide multiple completely separate evacuation systems in order to preserve the separate nature of the separate vacuum compartments. Providing such an elaborate structure of multiple separate evacuation systems would fly in the face of Casoli’s stated purpose of simplicity and economy.

Secondly, although the Office Action does not point to a specific part of Casoli that it considers to be the insulation body, Applicants submit that the only part of Casoli that could be considered an insulation body is the combination of outer shell 16, insulating porous material 20 and inner shell 14. As admitted by the Office Action, Casoli discloses just a single evacuation space. Combining Cur with Casoli would not result in the features of claim 10. The outer film walls 30, 32 of Cur are flexible. If one was to combine a multi compartment panel of Cur with the structure of Casoli, the result would be at most a multi compartment panel inserted into the insulation body of Casoli. Because outer shell 16 and inner shell 14 are parts of the insulation body, the claimed inner wall mounted in front of the insulation body would not exist. The combination of Casoli and Cur would not result in an inner wall that is separate from the insulation body.

Claim 11 includes the feature of the insulation body being separated from the inner chamber at least locally by an intermediate space. The Office Action asserts that it would have been obvious to provide the housing of Casoli with an intermediate space between the space K of Casoli and inner shell 14, “as taught by Cur”. Applicants respectfully submit that inserting the vacuum insulation panel 28 of Cur between the inner shell 14 and the outer shell 16 of Casoli would not result in an insulation body being separated from an inner chamber by an intermediate space because, as stated above, outer shell 16 and inner shell 14 are parts of the insulation body, so no intermediate space would exist between inner shell 14 and the inner chamber of the refrigerator.

Claim 13 includes the feature of the inner wall having at least one aperture. Casoli does not show an aperture in inner shell 14. Cur does not show an aperture in liner 20. Indeed, the Office Action does not assert that either reference discloses an aperture in an inner wall. Similarly, the features of claims 14-16 are not shown in either reference.

Claim 17 includes the feature of the body being composed of a plurality of insulation bodies. In contrast the refrigerator of Casoli has at most one insulation body.

This is evidenced by the purpose of Casoli, which is to create one vacuum chamber that can be quickly evacuated.

Claim 19 includes the feature of a vacuum insulation body forming at least a portion of the body of the refrigerator and including an outer wall and an intermediate wall spaced apart from one another and forming a body space between the outer wall and intermediate wall; and an inner wall mounted on the intermediate wall of the vacuum insulation body facing the inner chamber. In contrast, Casoli has no intermediate wall. Also, Cur does not teach or suggest mounting an inner wall on an intermediate wall. Liner 20 of Cur is not mounted to the outer film wall of vacuum insulation panel 28. Further, it would not have been obvious to mount anything, much less the inner wall of a refrigerator, to the outer film walls 30, 32 of the vacuum insulation panel 28 of Cur. An important feature of Cur is that outer film walls 30, 32 are the outer barriers that maintain the vacuum inside vacuum insulation panel 28. It would not be obvious to mount anything to these film walls because to do so would be to unnecessarily risk rupturing the film walls.

Claim 26 includes the feature of an aperture formed in the inner wall and a cable running through the intermediate space and extending through the aperture. Casoli does not show an aperture in inner shell 14. Cur does not show an aperture in liner 20. Indeed, the Office Action does not assert that either reference discloses an aperture in an inner wall.

Claim 27 includes the feature of a vacuum insulation body including an outer wall and an intermediate wall spaced apart from one another and forming a body space between the outer wall and intermediate wall; and an inner wall mounted on the intermediate wall of the vacuum insulation body facing the inner chamber. In contrast, Casoli has no intermediate wall. Also, Cur does not teach or suggest mounting an inner wall on an intermediate wall. Liner 20 of Cur is not mounted to the outer film wall of vacuum insulation panel 28. Further, it would not have been obvious to mount anything, much less the inner wall of a refrigerator, to the outer film walls 30, 32 of the vacuum

insulation panel 28 of Cur. An important feature of Cur is that outer film walls 30, 32 are the outer barriers that maintain the vacuum inside vacuum insulation panel 28. It would not be obvious to mount anything to these film walls because to do so would be to unnecessarily risk rupturing the film walls.

In view of the foregoing, Applicants respectfully submit that the combination of Casoli and Cur does not teach or suggest the feature of claims 10-29 and therefore rejection under 35 USC §103(a) is inappropriate. As a result, Applicants respectfully request that the rejection be withdrawn.

CONCLUSION

In view of the above, Applicants respectfully request allowance of claims 10-29.